THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16537 of 2006

Date:26-03-2007

Between:

Madala Varamma .. **PETITIONER**

AND

The Superintendent of Police, Nellore and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondents not to take any action against the representation dated 15.07.2005 and also orders passed by the Junior Civil Judge, Kovvur in I.A.No.1805 of 2004 in O.S.No.291 of 2004 dated 01.03.2005 as illegal and arbitrary.

2. It is the case of the petitioner that she filed O.S.No.291 of 2004 and obtained temporary injunction on 03.12.2004 which was made absolute by order dated 01.03.2005 in I.A.No.1710 of 2004 directing the defendants/respondents therein viz. Iytha Ragamma @ Bandaru Ragamma and Veerepalli Veerapa Naidu and their men restraining from trespassing, dispossessing, occupying in any manner interfering with the petitioner's peaceful possession and enjoyment of the plaint schedule properties pending disposal of the suit.

3. It is stated that even after obtaining injunction orders, the defendants therein were interfering with the peaceful possession of the petitioner. Hence, the petitioner filed I.A.No.1805 of 2004 seeking to grant police aid to implement the said injunction orders and the said application was allowed by the learned Junior Civil Judge, Kovvur vide order dated 31.03.2005 granting police aid and the copy of the same was also communicated to the third respondent-Sub-Inspector of Police, Dagadarthi, but the third respondent failed to give necessary police protection.

4. A counter has been filed by the respondents stating that the third respondent requested the petitioner to produce the relevant documents including the injunction orders, granting police aid and the schedule of property along with the plaint copy. But, the petitioner never turned up so as to enable the respondents to give necessary police protection. It is further stated that the respondents are ready and willing to implement the said orders of the Civil Court in I.A.No.1805 of 2004, dated 31.03.2005.

5. There is no proof that the petitioner produced the copy of the

order with regard to police protection. There is also no proof that the Civil Court directly communicated the said orders to the police for providing police protection to the petitioner.

6. In view of the above, the writ petition is disposed of directing the respondents to implement the orders passed by the Civil Court. If the respondents do not receive the said orders, the petitioner shall produce the said orders before the respondents immediately. No costs.

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V.ESWARAIAH, J.

Date:26.03.2007
CCM